IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12661 of 2004

Between:

Ex.No.14555341-KHAV/VM[HV] LADOO RAM BISHNOI

aged 40 yerars Unemployed
R/o Hapu Ki Dhani, Village & PO. Bharni, The Bhinmal

Distt.JALORE[RAJ]

... PETITIONER

AND

1 The Union of India Through The Secretary, Ministry of Defenc

Government of India New Delhi 110 011
2 The Commandent, 1 EME Centre, Secunderabad [AP]
3 The Commanding Officer 4, Training Battalion 1 EME Centre,

Secunderabad [AP]
4 IC-41819-MLT COLUS NERWAL, Officiating Commanding

Officer 4 Training Battalion, 1 EME Centre, Secunderabad[AP]

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, orders or a writ, more appropriately one in the nature of a Writ of Mandamus directing/declaring the action of the respondents herein "Declare the action of the 4th Respondent herein of constituting himself as Summary court Martial and holding on 21/03/2002 an absolutely illegal trial of the petitioner herein and without any evidence sentencing the petitioner herein to suffer(a) reduced to Ranks

(b) Rigorous imprisonment of 3 Months in Civil Prison & (c) Dismissal from services as being based on No. Evidence, actuated by malice and prejudice against the petitioner herein and thus violative of Articles 14,16 and 21 of Constitution of India and thus ultra Vires".

Counsel for the Petitioner: MR.CAPT.K.M.SAXENA

Counsel for the Respondent No 1.: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the respondents 2 to 4: MR.KANTHINARAHARI, Advocate.

The Court at the admission stage made the following Order:

ORDER:

The petitioner worked under the respondents as Hawaldar. In a Summary Court Martial, he was sentenced to undergo Rigorous Imprisonment for 3 months and he was also dismissed from service through the order dated 21-03-2002.

2. The petitioner contends that against the said order, he preferred appeal to the first respondent on 09-04-2004, which is pending with him. He therefore approached this Court seeking direction to the first respondent to dispose of the statutory appeal preferred by him. The first respondent appears to have not passed any orders till now. The first respondent is therefore directed to pass appropriate orders on the statutory appeal preferred by the petitioner on 09-04-2004 within two months from the date of receipt of a copy of this order, as per the existing rules.

The Writ Petition is disposed of with the above direction. No order as to costs.

_____

(DR. G.YETHIRAJULU, J)

August 9, 2004

Note:

Furnish copy in two days

(B/O)

MRR/SKM

To:

1 The Union of India Through The Secretary, Ministry of Defenc

Government of India New Delhi 110 011
2 The Commandent, 1 EME Centre, Secunderabad [AP]
3 The Commanding Officer 4, Training Battalion 1 EME Centre,

Secunderabad [AP]
4 IC-41819-MLT COLUS NERWAL, Officiating Commanding

Officer 4 Training Battalion, 1 EME Centre, Secunderabad[AP]